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Dkt. 0440/74021/ISK/GJC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Bingxing SHI, Zuze YU, Aiping YU and Chunna DONG

Serial No.: 10/526,682

Group Art Unit: 1656

Filed : March 2, 2005

Examiner: Chih-Min Kam

For : BIFUNCTIONAL FUSION PROTEIN WITH THROMBOLYTIC AND  
ANTICOAGULANT ACTIVITIES AND USES THEREOF

30 Rockefeller Plaza, 20<sup>th</sup> Floor  
New York, NY 10112  
(212) 278-0400  
October 21, 2010

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION IN RESPONSE TO SEPTEMBER 21, 2010 NOTICE OF NON-  
COMPLIANT AMENDMENT (37 CFR 1.121)**

This Communication is being submitted in response to the September 21, 2010 Notice of Non-Compliant Amendment (37 CFR 1.121) issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the September 21, 2010 Notice of Non-Compliant Amendment is due October 21, 2010. Accordingly, this response is being timely filed.

The Notice states that the Amendment filed on April 28, 2010 (actually filed April 26, 2010) does not comply because the computer readable form of Sequence Listing contained multiple files. A copy of the Notice is attached hereto as **Exhibit A**. In response, applicants submit herewith as **Exhibit B** a paper copy of the Sequence Listing, a corrected C.R.F. Sequence Listing as **Exhibit C which only contains a single file**, and a Statement in Accordance with 37 C.F.R. §1.821(f) as **Exhibit D**. Applicants maintain that the Sequence Listing attached hereto contains no new matter.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313

Gregory J. Carbo October 21, 2010  
Gregory J. Carbo Date  
Reg. No. 47,470

Respectfully submitted,

Gregory J. Carbo  
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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,682

11/10/2005

Bingxing Shi

0440/74021

5324

23432 7590 09/21/2010  
COOPER & DUNHAM, LLP  
30 Rockefeller Plaza  
20th Floor  
NEW YORK, NY 10112

EXAMINER

KAM, CHIH MIN

ART UNIT

PAPER NUMBER

1656

MAIL DATE

DELIVERY MODE

09/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

0440/74021

ISK

RECEIVED  
COOPER & DUNHAM  
SEP 24 2010  
Notice of Non-Compliant  
Amendment (37 CFR 1.121)  
DOCKET CLERK

Application No.	Applicant(s)	
10/526,682	SHI ET AL.	
Examiner	Art Unit	
CHIH-MIN KAM	1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 28 April 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other The computer readable form (CRF) of Sequence Listing has problem (See attached CRF problem Report).
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

NON-COMPLIANT + Amendment Due 10-21-10  
2nd 11-21-10  
3rd 12-21-10  
4th 1-21-11  
5th 2-21-11  
6th 3-21-11

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Chih-Min Kam/  
Primary Examiner, Art Unit 1656

## **SCORE - CRF Problem Report**

**SCORE experienced a problem when processing the following computer readable form (CRF):**

Application Serial Number: 10526682  
CRF Filing Date: 04/28/10  
Date Processed by SCORE: 06/18/10

**Contact: Electronic Business Center: Telephone: 866-217-9197**

### **Nature of CRF Problem:**

- ☐ (circle one) Damaged or Unreadable
- ☐ Blank (no files on CRF)
- ☐ Empty file (filename present, but no bytes in file)
- ☐ Wrong file saved to CRF (invention title, docket number, or applicant(s) do not match those in official application)
- ☐ Not saved in ASCII text
- ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
- ☐ Did not contain a Sequence Listing.
- ☒ Other: Contained multiple files See enclosed screenshot.

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**PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:**

**<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>**

1. EFS-Web Legal Framework for information on CRF submissions using EFS-Web:  
**<http://www.uspto.gov/ebc/portal/efs/legal.htm>**
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street,  
Alexandria, VA 22314

Revised 06/29/09

10-526682



